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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/854,492	05/15/2001	Daniel Joseph Wolff	550-230	7921

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EXAMINER

PYZOCHA, MICHAEL J

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/854,492	Applicant(s) WOLFF ET AL.	
	Examiner Michael Pyzocha	Art Unit 2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-66 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-66 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-66 are pending.
2. Amendment filed 03/16/2005 has been received and considered.

Claim Objections

3. The claim objections have been withdrawn based on the filed amendment.

Claim Rejections - 35 USC § 103

4. Claims 1-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Symantec System Center Implementation Guide (hereinafter Symantec) further in view of Chen et al (U.S. 5,960,170) and further in view of Brown ("Data Communications").

As per claims 1, 12, 23, 34, 45, 56, Symantec discloses a computer program product, method, and computer comprising a computer program operable to control a reporting computer to report occurrence of an event to a receiving computer, said computer program comprising: report generating logic operable to generate report data identifying said reporting computer and said event (see pages 72-73); data retrieving logic operable to fetch requested data from said receiving computer to said

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reporting computer upon a request of said reporting computer
(see pages 13,18).

Symantec fails to disclose report sending logic operable to send said report data from said reporting computer to said receiving computer upon fetching of said requested data.

However, Chen et al teaches such a sending method (see column 7 lines 33-45).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Chen et al's method of sending reports to send Symantec's generated reports.

Motivation to do so would have been to provide iterative virus detection (see Chen et al column 2 lines 62-63).

The modified Symantec and Chen et al system fails to disclose sending data while fetching data.

However, Brown teaches this two way communication (see page 2).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Brown's two-way communication to send and receive the data of the modified Symantec and Chen et al system.

Motivation to do so would have been to allow both communications to work at the same time (see Brown page 2).

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As per claims 2, 13, 24, 35, 46, 57, the modified Symantec, Chen et al, and Brown system discloses the event is detection of a computer file containing an unwanted computer program (see Symantec page 73 figure).

As per claims 3, 14, 25, 36, 47, 58, the modified Symantec, Chen et al, and Brown system discloses the unwanted computer program is a computer virus (see Symantec page 73 figure).

As per claims 4, 15, 26, 37, 48, 59, the modified Symantec, Chen et al, and Brown system discloses the requested data is a description of said event (see Symantec pages 13 and 18).

As per claims 5, 16, 27, 38, 49, 60, the modified Symantec, Chen et al, and Brown system discloses the event is detection of a computer file containing a computer virus (see Symantec page 73) and the requested data is a description of the computer virus (see Symantec page 18).

As per claims 6, 17, 28, 39, 50, 61, the modified Symantec, Chen et al, and Brown system discloses the event is detection of a computer file containing a computer virus (see Symantec page 73); and said requested data is an updated set of computer virus detecting data for use in detecting computer viruses (see Symantec page 18).

As per claims 7, 18, 29, 40, 51, 62, the modified Symantec, Chen et al, and Brown system discloses the data retrieving logic

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and said report sending logic use an internet URL to specify said requested data to said receiving computer, said internet URL also containing said report data to be sent to said receiving computer (see Chen et al column 6 lines 49-57 and Symantec page 18).

As per claims 8, 19, 30, 41, 52, 63, the modified Symantec, Chen et al, and Brown system discloses said reporting computer collates report data specifying one or more events that is sent together from said reporting computer to said receiving computer after fetching of said requested data (see Symantec page 73 figure).

As per claims 10, 21, 32, 43, 54, 65, the modified Symantec, Chen et al, and Brown system discloses said reporting computer and said receiving computer communicate via an internet link (see Chen et al column 5 lines 39-57).

As per claims 11, 22, 33, 44, 55, 66, the modified Symantec, Chen et al, and Brown system discloses said reporting data includes one or more of: a MAC address identifying a network card of said reporting computer; a date of said event; a time of said event; an identifier of a computer program used by said reporting computer to detect said event; an identifier of a version of a computer program used by said reporting computer to detect said event; an identifier of a set of event detecting

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data used by a computer program used by said reporting computer to detect said event; an identifier of an event type detected by said reporting computer; an action taken by said reporting computer upon detection of said event; and a checksum of a file that triggered said event (see Symantec page 73).

5. Claims 9, 20, 31, 42, 53, 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Symantec, Chen et al, and Brown system as applied to claims 1, 12, 23, 34, 45, 56 above, and further in view of Menezes et al ("Handbook of Applied Cryptography").

As per claims 9, 20, 31, 42, 53, 64, the modified Symantec, Chen et al, and Brown system fails to disclose the report data is encrypted by said reporting computer and decrypted by said receiving computer.

However, Menezes et al discloses encrypting of data (see pages 15-16).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Menezes et al's method of encryption to encrypt the report data of the modified Symantec and Chen et al system.

Motivation to do so would have been achieve confidentiality (see Menezes et al page 12).

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Response to Arguments

6. Applicant's arguments filed 03/16/2005 have been fully considered but they are not persuasive. Applicant argues: Symantec and Chen alone or in combination fail to teach transmitting the results during the fetch of requested data and that Symantec and Chen cannot be combined.

Applicant's arguments with respect to Symantec and Chen alone or in combination failing to teach transmitting the results during the fetch of requested data have been considered but are moot in view of the new ground(s) of rejection.

Applicant's argument that the Chen reference must be combined with the whole Symantec is not persuasive because Examiner only relies on Chen's teaching of sending report data in order to create an iterative virus scan to be combined with Symantec as opposed to combining the entire Chen reference.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Pyzocha whose telephone number is (571) 272-3875. The examiner can normally be reached on 7:00am - 4:30pm first Fridays of the bi-week off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MJP

ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER